

- B. Provide services **consistent with 34CFR 300.522 (see page 59) regarding determination of an appropriate Interim Alternative Educational Setting** to enable the child to continue to progress in the general curriculum[, **in an appropriate interim alternative educational setting,**] if the removal is:

- 1) for drugs or weapons offenses, or
- 2) based on a hearing officer's determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement.

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement.

The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward meeting the goals in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability and results in a long-term suspension/disciplinary change of placement.

Children Advancing from Grade to Grade

The State of Missouri ensures that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade. The determination that such a child is eligible for services must be made on an individual basis by the group of individuals within the child's local education agency that is responsible for making those determinations.

Exceptions to FAPE

Public agencies in Missouri are not required to provide FAPE to the following children and youth:

- A. youth with disabilities who reach the age of 21; or,
- B. students who have graduated from high school with a regular high school diploma. However, students who have graduated, but have not been awarded a regular diploma continue to be eligible in Missouri to receive FAPE if they are under 21 years of age. Students who have obtained a General Education Diploma (GED), but not a regular high school diploma, continue to be eligible. Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with 34 CFR 300.503.

Agency Responsible for FAPE

The local school district or special school district in which a child with a disability resides is responsible for implementation of FAPE. Students with disabilities or severe disabilities who are admitted to programs and facilities of the Department of Mental Health or whose domicile is in one district, but actually reside in another district as a result of a placement arranged by or approved by the Department of Mental Health, the Department of Social Services, or a court of competent jurisdiction shall be provided